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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/603,926	06/25/2003	Thomas Jon Eade	2003-0122.01	4335

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EXAMINER

MOUTTET, BLAISE L

ART UNIT

PAPER NUMBER

2853

DATE MAILED: 03/22/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/603,926

Applicant(s)

EADE, THOMAS JON

Examiner

Blaise L. Mouttet

Art Unit

2853

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 22 February 2005.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-29 is/are pending in the application.
- 4a) Of the above claim(s) 13-27 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-12, 28 and 29 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 6/25/03 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 6/25/03, 4/19/04.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Election/Restrictions

1. Applicant's election of group II (claims 1-12, 28, and 29) in the reply filed on February 22, 2005 is acknowledged. Because applicant did not distinctly and specifically point out the supposed errors in the restriction requirement, the election has been treated as an election without traverse (MPEP § 818.03(a)).

Claims 13-27 are withdrawn as being drawn to a non-elected invention.

Information Disclosure Statement

2. The Information Disclosure Statements file June 25, 2003 and April 19, 2004 have been considered.

Claim Objections

3. Claim 9 is objected to because there is no antecedent basis for "said secured compartment" (i.e. it should read --a secured compartment--).

Appropriate correction is required.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the

applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 1-4 and 8 are rejected under 35 U.S.C. 102(e) as being anticipated by Nagata US 6,798,995 B2.

Nagata discloses; regarding claim 1, a method for facilitating printing comprising the steps of:

providing to a consumer a first printer containing a fixed amount of imaging substance (as explained in view of figure 9 and the related description an original printer is provided 3/22/2000);

receiving back from the consumer the first printer after a substantial portion of the imaging substance has been used (as explained in view of figure 10 and the related description the imaging substance of the original machine is nearly empty as of 6/7/2000 and is collected 6/9/2000); and

exchanging the first printer with an exchange printer (as explained in view of figure 11 and the related description a new printer is dispatched in place of the original on 6/8/2000).

Regarding claim 2, the original machine is part of a recycle system (column 17, lines 40-41).

Regarding claim 3, the imaging substance is contained in a reservoir (6) (column 11, lines 46-48).

Regarding claim 4, as explained in column 6, lines 36-39, column 22, lines 24-41 and column 23, lines 32-35 security precautions are taken to prevent access to unauthorized personnel.

Regarding claim 8, the original printer is an inkjet printing mechanism (see MACHINE INFORMATION column in figures 9-11), and the printer is configured to restrict access to the printing mechanism and reservoir to prevent piracy (column 6, lines 36-39).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 5-7 and 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nagata US 6,798,995 B2 in view of Chickneas et al. US 4,813,912.

Nagata discloses the subject matter of claims 3 and 8 as explained in the 35 USC 102 rejection above.

Nagata is concerned with the problem of piracy of the printers (column 9, lines 34-39) and teaches the possible application of encryption to prevent unauthorized use (column 23, lines 32-35).

Nagata fails to disclose that the reservoir and a printing mechanism are secured in a secure compartment restricting access or communicating print data to the print mechanism in the secured compartment.

Chickneas et al. is also concerned with unauthorized users tampering with a printer (column 1, lines 7-11) and teaches use of a secure compartment to protect a printing mechanism from tampering while preserving print data transfer capability (abstract, column 12, line 54 – column 13, line 15).

It would have been obvious for a person of ordinary skill in the printer art at the time of the invention to incorporate the reservoir and a print mechanism in a secured compartment and communicate print data to the secured compartment as suggested by Chickneas in the method of Nagata.

The motivation for doing so would have been to further protect the printer from tampering as desired by Nagata.

6. Claim 10 is rejected under 35 U.S.C. 103(a) as being unpatentable over Nagata US 6,798,995 B2 in view of Hiramatsu et al. US 5,416,395.

Nagata discloses the subject matter of claim 1 as explained in the 35 USC 102 rejection above.

Nagata fails to disclose that the printer is configured to operate in only a single printing mode.

Hiramatsu et al is pertinent to the inkjet printing art and teaches operating an inkjet printer in a single printing mode for monochromatic printing (column 22, lines 24-38).

It would have been obvious to a person of ordinary skill in the printer art to configure the first printer of Nagata to operate in a single printing mode for monochromatic printing as suggested by Hiramatsu et al.

The motivation for doing so would have been to provide a simplified, less costly printer since only one color printing clearly eliminates the cost of using other ink colors and doesn't require any additional recording heads for other colors.

7. Claims 11 and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nagata US 6,798,995 B2 in view of Buibas et al. US 6,827,419 B2.

Nagata discloses the subject matter of claim 1 as explained in the 35 USC 102 rejection above.

Nagata fails to disclose that the first printer is configured to operate on only a single media type of a single size.

Buibas discloses a single media type printer for printing on a single size media (a round compact disk). See particularly figure 2B for the tray configured to hold only a particular compact disk size.

It would have been obvious for a person of ordinary skill in the printer art to employ the method of Nagata with a single size/type media printer as disclosed by Buibas.

The motivation for doing so would have been that the teachings of Nagata are generic to recycling of all printer types and CD printers are useful for CD labeling as indicated by Buibas.

8. Claims 28 and 29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nagata US 6,798,995 B2 in view of Takemoto US 6,512,894 and Chickneas et al. US 4,813,912.

Nagata discloses, regarding claims 28 and 29, a method for facilitating imaging comprising the steps of:

providing to a customer a first recyclable imaging apparatus (as explained in view of figure 9 and the related description a recyclable printer is provided 3/22/2000);

receiving from the consumer the first recyclable imaging apparatus after a substantial portion of the imaging substance has been used (as explained in view of figure 10 and the related description the imaging substance of the original machine is nearly empty as of 6/7/2000 and is collected 6/9/2000); and

exchanging the first recyclable imaging apparatus with a second recyclable imaging apparatus (as explained in view of figure 11 and the related description a new printer is dispatched in place of the original on 6/8/2000).

Nagata fails to disclose, regarding claim 28, that the imaging substance used by the imaging apparatus includes a licensed amount of imaging substance and a surplus amount of imaging substance and that a consumer requests a license renewal to use the surplus amount.

Takemoto discloses providing a licensed amount (amount >30%) and a surplus amount (amount ≤30%) of imaging substance and that a customer requests a license renewal to use the surplus amount (column 27, lines 22-51, note: while the license renewal is stated in terms of an original licensing in column 27, lines 35-43 this is in fact a license renewal in the sense meant by applicant's claims because the initial amount (>30%) of imaging substance is already allowed to be used, i.e. licensed, as described by Takemoto).

It would have been obvious for a person of ordinary skill in the printing art at the time of the invention to license the imaging substance in the imaging apparatus of the printer of Nagata as taught by Takemoto.

The motivation for doing so would have been to reduce load on the administration of licensing of imaging apparatus (column 1, lines 48-54 of Takemoto).

Nagata in view of Takemoto fails to disclose, regarding claim 28, that the recyclable imaging apparatus has a secured compartment containing a reservoir restricting access to the reservoir.

Chickneas et al. teaches use of a secure compartment to protect a printing mechanism from tampering (abstract, column 12, line 54 – column 13, line 15).

It would have been obvious for a person of ordinary skill in the printer art at the time of the invention to incorporate the reservoir and a print mechanism in a secured compartment as suggested by Chickneas in the method of Nagata in view of Takemoto.

The motivation for doing so would have been to further protect the printer from tampering as desired by Nagata in column 9, lines 34-39 and column 23, lines 32-35.

Contact Information


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Examiner Blaise Mouttet who may be reached at telephone number (571) 272-2150. The examiner can normally be reached on Monday-Friday from 8:30 a.m. to 5:00 p.m.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Stephen Meier, Art Unit 2853, can be reached at (571) 272-2149. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0956.

Blaise Mouttet March 16, 2005

BM 3/16/2005



LAMSON NGUYEN
PRIMARY EXAMINER
3/17/05